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Attorneys for Berkadia Commercial Mortgage, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRAND MANOR HEALTH RELATED FACILITY, INC.,
Plaintiff,

– against –

HAMILTON EQUITIES COMPANY, HAMILTON
EQUITIES, INC., ROBERT NOVA, SUZAN
CHAIT-GRANDT, MACRON & COWHEY, P.C.,
and JOHN MACRON,

Defendants.

HAMILTON EQUITIES COMPANY, HAMILTON
EQUITIES, INC., ROBERT NOVA, SUZAN
CHAIT-GRANDT, MACRON & COWHEY, P.C., and
JOHN MACRON,

Defendants/
Interpleading Plaintiffs,

– against –

BERKADIA COMMERCIAL MORTGAGE, LLC
and the UNITED STATES DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,

Interpleaded Defendants.

HAMILTON EQUITIES COMPANY, HAMILTON
EQUITIES, INC., ROBERT NOVA, SUZAN
CHAIT-GRANDT, MACRON & COWHEY, P.C., and
JOHN MACRON,

Defendants/
Third-Party Plaintiffs,

– against –

GRAND MANOR HEALTH RELATED FACILITY,
GARFUNKEL WILD, P.C., ROY W. BREITENBACH,
ESQ., and MARTIN LIEBMAN.,

Third-Party Defendants.

Case No.: 12 Civ. 4916 (JGK)

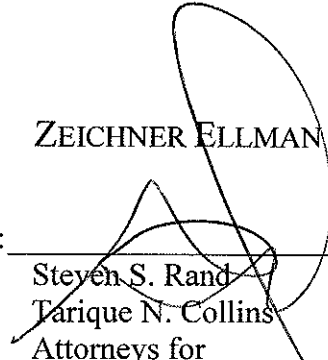
**NOTICE OF MOTION
TO DISMISS PURSUANT TO
FED.R.CIV.P. 12(b)(6)**

TAKE NOTICE, that upon the Declaration of Steven S. Rand dated December 21, 2012, the exhibit attached thereto, the Declaration of Michael Mason dated December 12, 2012, the accompanying memorandum of law dated December 21, 2012, and all pleadings and proceedings had herein, Berkadia Commercial Mortgage, LLC shall make a motion before the Honorable John G. Koeltl, at the United States Court House, 500 Pearl Street, New York, New York, for an order pursuant to Fed. R. Civ. P. 12(b)(6), dismissing claim in the Supplemental Interpleader Complaint asserted against Interpleader Defendant Berkadia Commercial Mortgage, LLC.

TAKE FURTHER NOTICE, that opposing papers, if any, shall be served not later than January 4, 2013, pursuant to Court Order.

Dated: New York, New York
December 21, 2012

ZEICHNER ELLMAN & KRAUSE LLP

By: 
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